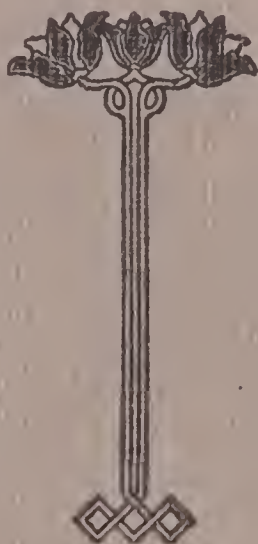


DRAFT
OF
A Model Civil Service Law

EMBODYING

The Essential Principles of a Practical
Merit System of Public
Employment



PROPOSED BY ROBERT CATHERWOOD, CHICAGO

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STATEMENT

The National Assembly of Civil Service Commissioners at its meeting in New York June 12–14, 1913, and the National Civil Service Reform League at its meeting in Boston, December 10–12, 1913, appointed committees to draft a model civil service law. The Committee of the National Assembly consists of the Hon. John T. Doyle, Secretary of the United States Civil Service Commission; Robert Catherwood, President of the Cook County (Illinois) Civil Service Commission; F. E. Doty, Chief Examiner of the Los Angeles County (California) Civil Service Commission; Lewis H. Van Dusen, Philadelphia Civil Service Commissioner and Henry Van Kleeck, President of the Colorado State Civil Service Commission.

The Committee named by the National League consists of Richard Henry Dana of Boston, Mass., President of the National Civil Service Reform League; Robert D. Jenks of Philadelphia, Chairman of the Council, Elliot H. Goodwin of Washington, D. C., Member of the Council, and Robert W. Belcher of New York, Secretary of the League and of the New York Civil Service Reform Association.

These Committees have decided to cooperate and to report back to their respective organizations a model civil service law embodying the essential principles of a practical merit civil service system which, with formal and minor modifications, shall be applicable to any state and to the county and municipal governments thereof. It was also decided to draft a form of constitutional amendment for states where the people desire to surround the merit system with constitutional guaranties.

Chicago, December 29, 1913.

*To the Members of the Committees of the
National Assembly of Civil Service Commissioners, and of the
National Civil Service Reform League on Model Civil Service Law.*

GENTLEMEN:

By request of Hon. John T. Doyle, Chairman, I herewith submit for your consideration the following draft of a report:

ROBERT CATHERWOOD.

REPORT

The need for an authoritative and definite statement of merit principles and of the means which experience has shown are necessary to establish and maintain them effectively in state, county and municipal governments has been felt throughout the country. The practice of copying into new civil service laws from older laws provisions which were inserted originally as concessions to spoilsmen, or to meet transitory conditions, or provisions which have been found after experience to be vicious or impracticable, or provisions which are inconsistent with merit principles, is but one of many illustrations of this need.

The administration of the civil service is a profession. It would seem to be the duty of the civil service commissioners, who are practicing this profession, to embody in available form a statement of the cardinal principles of their profession. The National Civil Service League has for thirty years advocated merit principles and emphasized their broader aspects, but they have never been formally set forth in shape for legislative and administrative use.

In drafting the model law herewith submitted, the Committee has kept in view four great principles of the merit system and has endeavored to provide means for rendering them effective in practice. These principles are:

First, that government should be controlled by the people. From this principle it follows that the use of public employes as a species of standing army for defeating the will of the people at the polls should be prohibited. The common practice of making a public employe's continuance or standing in the service dependent upon the number of votes he can deliver to candidates, favored by the political leader who secured his appointment, is subversive of popular control. So too the practice of multiplying elective offices for the purpose of confusing the voter dissipates popular control. If offices, other than general policy making offices, are elective, the voter has presented to him at the polls a ballot so long and complicated that any real judgment upon the relative merit of candidates becomes impossible. The voters are necessarily delivered into the power of the "bosses" and popular control becomes a fiction. It is therefore imperative that the number of elective offices should be held within a reasonable compass so that the people

may have a fair chance to decide intelligently upon candidates and issues. All offices and places in the service, except general policy making offices, should be taken out of the elective or exempt class and included in the service under the provisions of a civil service law, if we are to remove the bureaucratic menace which the spoils system offers to popular control of the government.

Second, that public offices and places which are not directly charged with the conduct of general political policies belong of right to all of the people. It follows therefore that the civil service should be kept out of politics and opened to all citizens alike according to their relative ability and fitness to perform the duties of the particular office or place to be filled. There should be entire equality of opportunity for appointment and tenure of office on the basis of merit only. Victory at the polls confers no right upon the victors to seize the non-political offices or to interfere with the efficient conduct of public business. The civil service is the people's civil service and nothing but the elective offices and the political policy making offices are won or lost at an election. Merit or efficiency should be the only test for place in the civil service. The public employe is the servant of all of the people and not of part of the people.

Third, that the civil service shall be efficient. As it is important that only fit men should be appointed to office after a thorough and impartial test of merit, so is it important that in their subsequent daily work, the same standard of merit should be maintained, so that the public may derive the benefit of the merit system. Where public employes deteriorate through their own fault, they should be removed. If they deteriorate because of conditions of employment which make good work impossible or unnecessarily difficult, these conditions should be corrected. The prompt and certain removal of incompetent employes, the correction of defective organization and defective conditions of employment, the training of employes, the task of getting competent men into the public service and of keeping them there, the correlation of their pay with the results achieved, the preparation of the budget in its employment as distinguished from its financial features, and the maintenance of standards of efficiency are all employment problems which do not change with changing administrations, and which require constant expert treatment. The work of government under all political policies and parties should be well done. The people are entitled to it.

Fourth, that the government in its capacity as an employer should be just and fair to its own employes. It follows therefore that a civil service law should protect the public employes from demoralizing and improper influences, should recognize the moral and social dignity of their work, reward efficient service, protect them in sickness and old age, create for them proper conditions of employment and by maintaining reasonable standards of employment set an example to private employers of how to be fair and just.

To render these four principles of the merit system effective, it is obvious that the body charged with their administration, usually known as a civil service commission, must be composed of experts in the science of employment, that for the purposes of the merit system they must have jurisdiction over the whole subject of employment from the point where it is proposed to create a position

through to the point where the position is abolished, and the employe in it pensioned, removed or laid off; that the civil service commission should be responsible to the people and removable by any citizen for causes analogous to those which may result in the removal of any other civil servant and that the commission should not be controlled by or responsible to any political officer.

The Committee therefore respectfully recommends the adoption of the following as a model civil service law;—

A CIVIL SERVICE LAW

Applicable with minor or formal modifications to any state, and embodying the essential features of a practical merit system of public employment; prepared and approved by the National Assembly of Civil Service Commissioners and the National Civil Service Reform League to be entitled “An Act to regulate the civil service of the state and the several counties and municipalities thereof.” *Be it enacted, etc., etc.*

SECTION 1. *Scope:* All public officers and employees, and all offices and places of employment in the state service and in the respective services of the several counties and municipalities of the state, except—

- (a) Officers elected by popular vote;
- (b) Officers whose appointment is provided for in the constitution, masters in chancery, referees, notaries public, officers appointed by a court to perform judicial functions;
- (c) A clerk and a sergeant-at-arms for each house, council or board of elective officers having legislative powers;
- (d) Officers, not to exceed ten in the state or ten in any one city of the state assisting the Governor or the Mayor of such city in formulating general executive policies and in charge of a principal administrative department of the state or of a city in the state;
- (e) Officers and employees of a county or municipality having a service in all departments of less than fifty persons and an average monthly payroll of less than five thousand dollars;
- (f) Persons employed by contract to perform a special service for the state or for some municipality thereof where such contract is certified by the State Civil Service Commission hereinafter provided for to be for employment which cannot be performed by regular employees;
- (g) Soldiers, sailors and uniformed officers in the military or naval service of the state, and
- (h) Special examiners designated to conduct an examination provided for by this Act;

shall be classified and graded in the manner provided for in this Act, and appointments, removals, promotions, transfers, lay-offs, reinstatements, suspensions, leaves of absence and changes in compensation or title shall be made and permitted only as prescribed in this Act and not otherwise.

Any person holding an office or place which this Act provides shall be classified and graded, on the date this Act takes effect, shall continue to hold such office or place as a temporary appointee only until such time as a regular appointment thereto under the provisions of this Act can be made.

SECTION 2. *State, County and Municipal Civil Service Commissions:* Whenever there are less than two state civil service commissioners holding office under the provisions of this Act and no eligible list prepared as herein provided from which appointment can be made, the Governor shall forthwith request the chief justice of the supreme court and the president of the state university each to nominate two persons to act as special examiners in the selection of a state civil service commissioner. Within ten days after the receipt of such request, the chief justice of the supreme court and the president of the state university shall each and severally nominate in writing two persons to act as such special examiners, and the Governor shall forthwith appoint three of the persons so nominated to constitute a board of special examiners to conduct an examination under the provisions of this act for the purpose of preparing a list of the names, in the order of their relative excellence, of persons eligible for appointment to the office of state civil service commissioner. Said board shall within thirty days after its members have been appointed, proceed to advertise and hold an examination under the provisions of this Act. The method of examination and the manner of preparing the resulting eligible list, certifying to the Governor therefrom by said board of examiners and making appointments in accordance with such certification by the Governor shall be the same as prescribed in other examinations, certifications and appointments under this Act, and the said Board shall have the same powers and obligations in respect thereto as those enjoyed by or imposed upon the State Civil Service Commission.

There is hereby created a State Civil Service Commission consisting of three persons appointed by the Governor to serve until removed under the provisions of this section. Whenever a vacancy exists in the office of state civil service commissioner the Governor shall forthwith appoint the person standing highest upon the list of persons eligible for appointment to said office until all such vacancies are filled.

In each of the several counties of the state there is hereby created the office of County Civil Service Commissioner, and in each of the several municipalities of the state there is hereby created the office of Municipal Civil Service Commissioner, provided such county or municipality has a service in all departments of fifty or more persons and an average monthly pay roll of five thousand dollars or more, such county or municipal civil service commissioner to be appointed by the county board of supervisors, the mayor or other chief appointing authority of the county or municipality, to serve until removed under the provisions of this section.

Whenever a vacancy occurs in the office of county or municipal civil service commissioner, the appointing authority shall make requisition upon the state civil service commission, and the commission shall certify to such authority the name and address of the person standing highest upon the list of persons eligible for appointment to said office, and the appointing authority shall forthwith appoint the person certified by said commission therefor. Where the appointing authority of any county or municipality in making requisition requests that the person certified shall be a resident of such county or municipality, all non-residents shall be ineligible for such certification and appointment.

In case of the death, resignation, absence or sickness of a state, county or municipal civil service commissioner, the chief examiner subordinate to such commissioner shall perform the duties of such commissioner until such absence or sickness shall cease, or until an appointment under the provisions of this Act has been made. Such acting civil service commissioner shall have the same powers as such commissioner. Two members of the state civil service commission shall constitute a quorum. No state, county or municipal service commissioner shall hold any other lucrative office or employment under the United States, the State, or any county or municipality thereof. Each commissioner shall receive an annual salary of not less than three thousand dollars, and not more than five hundred dollars additional for each five thousand persons in the service over which he has jurisdiction in excess of five thousand such persons together with his necessary traveling expenses incurred in the discharge of his official duties. The State Civil Service Commission, each County Civil Service Commissioner and each Municipal Civil Service Commissioner may incur expenses for hiring employees, and for stationery, printing and other incidentals not to exceed an amount equal to two per cent of the total amount paid annually for salaries to all officers and employees in the service over which said commission or each of said commissioners has jurisdiction respectively, and it shall be the duty of the respective financial authorities of the state, counties and municipalities to make provision for the payment of such salaries and expenses of the commission or commissioner having jurisdiction of their respective services and such financial authorities may appropriate and pay such other amounts for expenses as they may deem necessary and proper.

It shall be the duty of all officers of the state and of the several counties and municipalities thereof to allow the reasonable use of public buildings and rooms, to heat and light the same for the holding of any examination or investigation provided for by this act, and in all proper ways to facilitate the work of any of the state, county or municipal civil service commissioners.

No state, county or municipal civil service commissioner shall be removed except for malfeasance in office, neglect of duty or palpable incompetence upon written charges with specifications filed by a citizen of the state and after an opportunity to be heard in his own defense before a trial board consisting of (1) the person holding the office of county judge in and for the county in which such commissioner resides; (2) the person holding the office of circuit judge in a judicial circuit embracing said county, or, if there is more than one such judge, the one

senior in age shall serve; and (3) a third person to be selected by the two members of said trial board aforesaid. Such charges shall be filed with said county judge, and shall be heard and determined by said trial board, and its findings and decision shall be final, and if said charges are sustained they shall be certified to the authority empowered by law to appoint a successor to said commissioner, and said appointing authority shall forthwith remove such commissioner and proceed to fill the vacancy so created pursuant to law. Said trial board and the members thereof shall have power to administer oaths, and to compel the attendance and testimony of witnesses and the production of books and papers.

Any person holding the office of Civil Service Commissioner, whether in the state or in some county or municipality thereof, on the date this Act takes effect, shall continue to hold such office as a temporary appointee only until such time as a regular appointment thereto under the provisions of this Act can be made. Public records of any civil service commission existing on the date this Act takes effect shall be delivered to the Commission created under this Act.

The word "Commission" as used in this Act shall be construed to mean in respect to the state service, and in respect to examinations and certification of eligibles to the offices of State, County or Municipal Civil Service Commissioners, the State Civil Service Commission; in respect to each of the several county services, the County Civil Service Commissioner of such county, and in respect to each of the several municipalities, the Municipal Civil Service Commissioner of such municipality. In the course of any investigation or hearing conducted by the Commission under the provisions of this Act, each member of the Commission and each officer or board appointed by said commission to make any such investigation or to conduct any such hearing, may administer oaths, and shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers.

The state civil service commission shall have jurisdiction over all persons and positions in the service of the state except those exempted in section one of this Act; each county civil service commissioner and each municipal civil service commissioner shall have jurisdiction over all persons and positions in the services of their respective counties and municipalities except those exempted in section one of this Act.

Any civil service commissioner who has held said office for a continuous period of twenty years, and has attained the age of sixty years, shall resign his position and retire from office, and the appointing authority shall forthwith proceed to fill the vacancy so created pursuant to law. Nothing in this section shall be construed to deprive a civil service commissioner of rights to a pension under the provisions of this Act.

Any person who shall be served with a subpoena to appear and testify or to produce books and papers, issued by the Commission or by any commissioner, or by any board or persons acting under the orders of the commission in the course of an investigation conducted under any provision of this Act, and who shall refuse or neglect to appear or testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misde-

meanor, and shall, on conviction, be punished as provided in this Act. The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the nisi prius courts, and shall be paid from the appropriation for the expenses of the commission, and any circuit court or any judge thereof, either in term time or vacation, upon application of any such commissioner or officer or board, may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioners, investigating board or officer by attachment, or contempt, or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly.

SECTION 3. *Standardization and Classification:* The Commission shall ascertain and record the duties of each position in the service which this Act provides shall be classified and graded, and wherever it appears that two or more positions in a service have duties which are substantially similar in respect to the authority, responsibility or character or work required in the performance thereof, they shall be placed in the same grade which shall be designated by a title indicative of such duties. Grades having duties of the same general nature and in the same line of promotion shall be placed in the same class. For each grade, the Commission shall prescribe a standard maximum and minimum salary or rate of pay in amounts as nearly as practicable to the market rate of pay for analogous service elsewhere, and it shall report the same to the authorities required by law to appropriate for the payment of salaries of positions in such grade. The Commission shall by rule prescribe the minimum period of service in the grade required before a salary should be advanced, and a minimum standard of efficiency requisite for such salary advancement. The lowest salary or rate of pay appropriated to any position in the grade shall constitute the grade pay and no person in such grade shall receive pay in excess of the grade pay unless he is certified by the Commission as having served the period required by said rule with an efficiency rating given by the Commission equivalent to the minimum standard of efficiency required thereby. No person shall be paid an amount greater than the maximum salary or rate of pay prescribed by the Commission for the grade in which he is classified and graded.

In allowing salary advancements preference shall be given in all cases in the order of relative seniority and highest efficiency as shown by the records of the Commission. Where there are no records of efficiency covering a period of continuous service for six months or more, the minimum standard of efficiency shall be presumed.

Whenever a position is classified and graded and the rate of pay therefor prescribed as provided for in this section, no treasurer, auditor, comptroller or other officer of the state or of any of the counties or municipalities thereof shall approve the payment of or be in any manner concerned in paying, auditing or

approving any salary, wage or other compensation for services to any public officer or employee unless a pay roll, estimate or account for such salary, wage or other compensation containing the names of the persons to be paid, a statement of the amount to be paid each such person and the matter on account of which the same is paid bearing the certificate of the Commission that the persons named in such pay roll, estimate or account have been appointed or employed in pursuance of law and of the rules made by the Commission under the provisions of this Act and have complied with the terms of this Act and of the rules of the Commission when required so to do, shall be filed with him. Before making any such certificate, the Commission shall investigate the nature of each item of such pay roll, estimate or account and ascertain that the provisions of law in respect to any such item have been strictly complied with.

The Commission shall refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with the provisions of this Act or of the rules of the Commission.

The Commission shall by rule prescribe standards of efficiency for each grade of the service and for examinations therefor, and it shall make and keep a record of the relative efficiency of each person in the classified and graded service. It shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made which shall be uniform for each grade.

SECTION 4. *Rules and Powers:* The Commission shall make rules to carry out the purposes of this act, for grading, classifying and establishing uniform salaries in each grade, for examinations, appointments, removals, promotions, transfers, lay offs, reinstatements, suspensions, leaves of absence, changes in compensation or title, for promoting efficiency and economy in the service so classified and graded, for defining what shall be cause for removal from the service, and for maintaining and keeping records of the efficiency of persons, both as individuals and in groups, holding positions which this act provides shall be classified and graded. The Commission may from time to time make changes in such rules. All rules and all changes therein shall be printed for distribution, and public notice of the adoption or promulgation of any rule or change therein shall be given at least ten days prior to the date the same shall go into operation.

Whenever the State Civil Service Commission shall have reason to believe that any county or municipal civil service commissioner has neglected to perform his duties, or is palpably incompetent, or has been guilty of malfeasance in office, the said State Civil Service Commission shall institute an investigation, and if it shall find any such neglect, incompetency or malfeasance, it shall direct its president to file charges under the provisions of section 2 of this Act.

SECTION 5. *Examinations and Appointments:* Whenever a position classified and graded under the provisions of this Act becomes vacant, the appointing authority, if he desires to fill it, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The Commission shall certify to the appointing authority the name and address of the person having the greatest seniority in service within the grade in which said position

is classified provided such person has been previously examined, as provided in this Act, for a position in said grade, and has served by actual employment for a period of three months at any time within two years prior to the date of such requisition and provided such person is not actually and regularly employed in said grade on the date of such requisition. If there is no such person eligible to reinstatement the Commission shall certify to the appointing authority the name and address of the person standing highest upon the list of eligibles resulting from an examination for positions in said grade. If there is no person eligible for reinstatement, 'and' no person named upon such list of eligibles, the Commission may in its discretion grant authority to the appointing authority to make temporary [appointment] from day to day, not to exceed sixty days, pending examination, and said Commission shall forthwith proceed to hold an examination as herein provided. Whenever requisition is so made, or whenever a position is held by a temporary appointee and a reinstatement list or eligible list for the grade in which such position is classified and graded exists, the Commission shall forthwith certify the name and address of the person eligible for appointment to the appointing authority, and said appointing authority shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade except for reasons which will promote the good of the service specified in writing and after an opportunity to be heard by the Commission, and then only with the consent and approval of said Commission. When a person so certified reports for duty to the appointing authority his appointment shall be deemed complete. A person tendered certification may waive or refuse certification in writing for one period of thirty days, and such waiver or refusal shall not affect his standing or right to certification to the first vacancy in the grade occurring after the expiration of such thirty days period. If no such waiver or refusal is filed in writing with the Commission, and if after one waiver has been filed and the period thereof has expired, a person tendered certification fails to report for duty within three days after tender of certification has been made, such failure shall constitute a resignation from the service and his name shall be stricken from all lists for the grade in which the position to be filled is classified. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this Act shall not affect the standing of any person on a list for permanent appointment.

No person shall be eligible for appointment to positions in any grade which this act provides shall be classified and graded unless and except he shall have attained upon examination for appointment within the grade such minimum mark as may be fixed by the Commission for any subject or part of the examination and a general average upon all subjects or parts of such examination of not less than the minimum fixed by the rules of the Commission. All original entrance examinations shall be public, competitive and free to all persons who may be lawfully appointed to any position within the grade for which such examination is held with limitations specified in the rules of the Commission as to residence, age, sex, health, habits, moral character and prerequisite qualifications to perform the

duties of such positions. Promotion examinations shall be public, competitive and free only to all persons holding positions for a period to be fixed by the rules of the Commission in a grade previously declared by the Commission to involve the performance of duties which tend to fit the incumbent for the performance of duty in the grade for which the promotion examination is held. In promotion examinations efficiency and seniority in service shall form part of such examination, but combined shall not carry a total number of marks to exceed one quarter of the maximum marks attainable in such examination. If less than two persons submit themselves for a promotion examination, or if after such examination is held, all applicants fail to attain a general average of less than the minimum standing fixed by the rules of the Commission, the Commission may at any time within six months hold an original entrance examination and certify from the eligible list resulting therefrom. All examinations shall be practical in their character, and shall consist only of tests which will fairly determine the relative capacity of the persons examined to perform the duties of the position to which appointment is to be made, and may include tests of physical fitness or of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. No questions which are ambiguous, misleading or unfair or in the nature of catch questions shall be asked. The Commission shall control all examinations and may designate special examiners to conduct and hold such examination as the Commission may direct and to make return and report thereof to the Commission. The Commission may at any time substitute any other person in the place of any one so designated, and may itself act as such examining authority without designating special examiners. Said Commission shall hold as many examinations as may be necessary to provide eligibles for each grade of the service, and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners, or from the examinations made by the Commission, the Commission shall prepare a list of eligibles for each grade in the service which this act provides shall be classified and graded of the persons who shall attain such minimum mark as may be fixed by the Commission for any part of such examination, and whose general average standing upon examination for such grade is not less than the minimum fixed by the rules of the Commission, and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative excellence as determined by examination without reference to priority of time of examination. The Commission shall cancel such portion of any list as has been in force for more than two years and an examination for each grade shall be held at least once in two years.

The markings and examination papers of each candidate shall be open to his own inspection, and the markings and papers of all persons upon any list of eligibles shall be open to public inspection within ten days after an eligible list has been prepared. Notice of the time, place and general scope of every examination, and of the duties, pay and experience advantageous or requisite for all positions in the grade for which the examination is to be held shall be given by the Commission by publication for two weeks preceding the examination in a newspaper of general circulation published in the county or municipality in which the examination is

to be held. Such further notice shall be given as the rules of the Commission may prescribe.

SECTION 6. *Reports To The Commission:* Immediate report in writing shall be given to the Commission by the appointing authority and by such other persons as may be designated by the Commission, of all appointments, vacancies, absences or other transactions affecting the status of positions or the performance of duties of officers or employees classified and graded under the provisions of this Act, and all such notices shall be prepared in the manner and form prescribed by the rules of the Commission.

SECTION 7. *Removals:* No person holding an office or place classified and graded under the provisions of this Act, except Civil Service Commissioners, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense. Such charges may be filed by any citizen or taxpayer, and shall within thirty days after filing be heard, investigated and determined by the Commission or by some officer or board appointed by the Commission to hear, investigate and determine such charges. The finding and decision of the Commission or of such officer or board, when approved by the Commission, shall be final, and shall be certified to the appointing authority and shall be forthwith enforced by such authority.

SECTION 8. *Pensions:* In the state service and in each county or municipal service to which this act applies, there shall be created, established and maintained a pension fund, and the beneficiaries of said funds shall be officers and employees holding positions classified and graded under this Act in such service, provided that no temporary appointee, no person holding a position not classified and graded under this Act, no person who is sixty or more years of age at the time this Act takes effect, and who at said time has not been in such service for at least twenty years, no officer or employee now or hereafter participating in any other pension fund created by law and no person holding a position classified and graded as a skilled or common labor position (unless such person shall within six months after this Act takes effect, or within six months after such person enters the service give written notice to the Commission of his desire to participate in the benefits hereunder) shall participate as a beneficiary in said fund.

Said fund for the state service shall consist of two dollars a month retained or deducted by the State Treasurer from the salaries or wages of each officer and employee of the state holding positions classified and graded under this Act hereinafter called beneficiaries, and said fund for each of the services of the several counties and municipalities shall consist of two dollars a month retained or deducted by the county treasurer, the city treasurer or other financial authority charged by law with the duty of paying salaries or wages for officers and employees of such county or municipality from the salaries or wages of each officer or employee of each of said counties and municipalities holding positions classified and graded under this Act, hereinafter called beneficiaries, provided, however, that if the name of any such beneficiary shall not appear on the pay roll by reason of leave of absence, lay off or other good and sufficient cause thereby making a reduction or retention of two dollars impossible, such beneficiary may retain all rights

under this section by paying two dollars each month to the state treasurer during such absence from the service. The amounts deducted, retained or received under the provisions of this section by the county or city treasurer or other financial authority of any county or municipality shall be transmitted forthwith to the state treasurer and held subject to orders for payment issued by the civil service commission of such county or municipality. The Commission shall certify to the officer and employee entitled thereto, the amount of money ordered paid to him by the Commission from the fund and the purpose of such payment. The Commission shall submit semi-annually to the appointing authority a list of persons entitled to payment from the fund, giving the amount of each such payment and the date of each order. All records relating to said fund shall be public and open to inspection at all reasonable times.

The Commission shall have power and it shall be its duty

First to authorize all payments from the pension fund pursuant to the provisions of this Act; to hear and determine all applications for pensions under this Act and to suspend payment thereof when disability ceases;

Second to audit accounts pertaining to said fund at least four times annually;

Third to accept by gift, grant, bequest or otherwise any money or property of any kind and use the same for the benefit of said fund, to invest such fund or any part thereof in interest bearing bonds of the United States, the state or some county or municipality thereof;

Fourth to order payment to any officer or employee who may be separated from the service before having qualified for a pension in an amount equal to the deductions from his salary or pay;

Fifth to order payment to any officer or employee entitled to participate in said fund who shall have been in the service for twenty years and shall have attained the age of sixty years, conditioned upon his retirement from the service, such payment to be at the rate of fifty dollars per month made during the life of such beneficiary;

Sixth to order payment at the rate of fifty dollars per month for life to any beneficiary who shall retire from the service upon attaining the age of sixty years before deduction shall have been made from his monthly salary or pay for a period of twenty years, provided such beneficiary shall agree in writing to pay and shall pay within two years the sum which together with all moneys previously deducted from his salary or pay for such fund is equal to five hundred dollars.

Seventh to order payment at the rate of fifty dollars a month to any beneficiary who shall have been seriously injured and incapacitated for duty in the service without negligence upon his own part during the continuance of such disability;

Eighth to make rules for the administration of said fund.

The State Treasurer shall make prompt payments from the pension fund in accordance with the orders of said Commission, and shall give bond in an amount to be fixed by said Commission conditioned upon the faithful performance of the duties herein imposed. He shall keep separate the funds for each of the services to which this Act applies, and shall make a monthly statement to the Commission

having jurisdiction of such service of the amount on deposit and of all payments made pursuant to the orders of said Commission.

SECTION 9. *Abuses and Frauds Prohibited:* No person shall wilfully or corruptly make any false mark or report upon any examination, or furnish to any person information for the purpose of injuring the prospects of any person examined or to be examined, appointed or promoted. No applicant shall deceive the Commission for the purpose of improving his chances or prospects for appointment. No public officer or employee shall solicit, orally or by letter, or receive or be in any manner concerned in soliciting or receiving any money or valuable thing from any officer or employee holding a position classified and graded under this Act for any party or political purpose whatsoever. No person shall solicit, pay, give or receive in any public building any money or valuable thing for any partisan political purpose whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified and graded under this Act as a reward or return for personal or partisan political service. No public officer or employee shall by means of threats or coercion induce or attempt to induce any person holding a position classified and graded under this Act to resign his position or to take a leave of absence from duty or to waive any of his rights under this Act. No person about to be appointed to any position classified and graded under this Act shall sign or execute a resignation dated or undated in advance of such appointment.

SECTION 10. *Political Activity:* No person holding an office or place classified and graded under the provisions of this Act shall seek election, nomination or appointment as an officer of a political club or organization or take an active part in a political campaign or serve as a member of a committee of any such club or organization or circulate or seek signatures to any petition provided for by any primary or election law or act as a worker at the polls, or distribute badges, colors or indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, state, county or municipal, or permit the use of his name for nomination or election to any public office, provided however that nothing in this Act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting his vote and from seeking election to the office of public school director or of member of a board of education or of member of a library board.

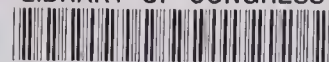
SECTION 11. *Penalties What Officers to Prosecute:* Any person who shall wilfully or through culpable negligence violate any of the provisions of this Act or of the rules of the Commission shall be guilty of a misdemeanor and shall on conviction thereof be punished by a fine of not less than \$50.00 and not more than \$3,000.00, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court. Prosecutions for violations of this Act may be instituted either by the Attorney General, the State's Attorney for the county in which the offense is alleged

to have been committed, or by the Civil Service Commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them unless they request the aid of other prosecuting officers.

Whenever the Attorney General or the State's Attorney for the county in which an offense under this Act is alleged to have been committed shall refuse to prosecute the persons alleged to have committed such an offense, or shall fail to prosecute such person or persons after the lapse of 30 days from the date the alleged offense is brought to his attention, then any taxpayer may apply to any judge of a nisi prius court of such county for the appointment of a special attorney to conduct a prosecution of such person or persons and upon such application the court may appoint some competent attorney to prosecute the person or persons alleged to have committed the offense and the special attorney so appointed shall have the same power and authority in relation to any prosecution for violation of this Act against such person or persons as the Attorney General or the State's attorney would have had in prosecuting any violation of this Act, and such special attorney shall conduct and control such prosecution unless he request the aid of other prosecuting officers.

SECTION 12. *Repeal:* All laws or parts of laws which are inconsistent with this Act or any of the provisions thereof, are hereby repealed.

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